

Permitting & Assistance Branch Staff Report
 Modified Solid Waste Facilities Permit for the
 Sun Street Transfer Station
 SWIS No. 27-AA-0110
 July 28, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Monterey County Health Department Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Sun Street Transfer Station, SWIS No. 27-AA-0110, located in Monterey County and owned and operated by the Salinas Valley Solid Waste Authority. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on June 7, 2016. Action must be taken on this permit no later than August 6, 2016. If no action is taken by August 6, 2016, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2012)	Proposed Permit
Permitted Vehicles	296 Peak One Way Trips	Traffic will be regulated as per Title 14, California Code of Regulations (CCR), Section 17418.3: Traffic flow through the facility shall be controlled to prevent the following: (1) interference with or creation of a safety hazard on adjacent public streets or roads, (2) on-site safety hazards, and (3) interference with operations.

Other Changes include:

1. Updates to the "documents" section to include references to current governing documents.
2. Revisions to the "LEA Conditions" section including rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues

The proposed permit will allow for the following:

1. Removal of the permitted vehicle traffic number. The LEA will regulate per Title 14, California Code of Regulations (CCR), Section 17418.3.

Background

Sun Street Transfer Station is located between Sun and Griffin Streets, approximately one-quarter mile west of Highway 101 within the City of Salinas. The 6.75 acre facility is owned and operated by the Salinas Valley Solid Waste Authority and has been operating as a Large Volume Transfer Station since 2005.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 3, 2016	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on July 26, 2016. The LEA provided a copy to the Department on July 26, 2016. The changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on June 7, 2016	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code (PRC) 50001	The LEA in their permit submittal package received on June 7, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated July 12, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 19, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 7, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Notice was posted by the LEA on May 5, 2016. No written comments were received by LEA or Department staff. Oral comments were addressed by LEA staff and operator. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on July 19, 2016 and found that the facility is in compliance with applicable state minimum standards. A violation of PRC 44014(b) – Operator complies with terms and conditions of permit, was cited for exceeding the maximum daily vehicle trip limit. The issuance of this modified SWFP will correct this violation.

Below are the details of the Transfer Station's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2016 - Six violations of PRC 44014(b) – Operator complies with terms and conditions of permit; maximum daily vehicle trip limit exceedance.
- 2015 - Four violations of PRC 44014(b) – Operator complies with terms and conditions of permit; maximum daily vehicle trip limit exceedance.
- 2014 - One violation of PRC 44014(b) – Operator complies with terms and conditions of permit; maximum daily tonnage limit exceedance.
- 2013 - No Violations were noted.
- 2012 - One violation of PRC 44014(b) – Operator complies with terms and conditions of permit; maximum daily tonnage limit exceedance.
- 2011 - Four violations of PRC 44014(b) – Operator complies with terms and conditions of permit; maximum daily tonnage limit exceedance.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Salinas Valley Solid Waste Authority, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Removal of the Permitted Traffic Volume limit of 296 vehicles per day (VPD) on the permit cover page and instead update the Permitted Traffic Volume to state: Traffic will be regulated as per Title 14, California Code of Regulations (CCR), Section 17418.3: Traffic flow through the facility shall be controlled to prevent the following: (1) interference with or creation of a safety hazard on adjacent public streets or roads, (2) on-site safety hazards, and (3) interference with operations.
- Providing current references to supporting documents and approving the updated Transfer/Processing Report dated June 2016. There will be no changes in the operating days/hours, permitted area, or permitted daily tonnage.

The Monterey County Health Department (LEA), has made a finding that the proposed modified SWFP is consistent with and supported by existing CEQA analysis. A Mitigated Negative Declaration (MND), State Clearinghouse (SCH) No. 2003091068, was adopted in 2003 by the Salinas Valley Solid Waste Authority, acting as Lead Agency. A Subsequent Mitigated Negative Declaration (SMND), SCH No. 2003091068, was adopted by the Salinas Valley Solid Waste Authority, acting as Lead Agency in 2005. The MND and SMND analyzed for increases in tonnage and traffic for the Sun Street Transfer Station based on phasing of the project.

Per the SMND, the commencement of Phase 1 allows for up to 229 vehicle trips per day with an anticipation of between 50 and 400 tons per day of waste delivered. Phase 2 of the project is triggered after the closure of the Crazy Horse Landfill and a total of 1,138 one-way vehicle trips will be generated at the commencement of Phase 2 with an expected average daily volume of waste to be received from 500 to 900 tons per day. The Crazy Horse Landfill closed in 2009; therefore the project is now in Phase 2 and is subject to the Phase 2 entitlements for tonnage and traffic. Furthermore, a Traffic Study completed for the 2003 MND stated that the Sun Street Transfer Station site use is expected to increase along with area growth demand to 1,471 one-way vehicle trips by the year 2020.

The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The proposed permit modification will remove the maximum daily vehicle count from the permit and allow traffic to be restricted to the maximum daily tonnage allowed at the facility.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND and SMND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND and SMND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the MND and SMND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a Public Notice on May 5, 2016, in the City of Salinas. Two verbal comments (via telephone) were received by the LEA on May 25, 2016 and June 3, 2016. One member of the public was concerned with the proposed traffic increase and the impact on existing confined street conditions. The commenter also complained that the facility had odor and litter issues, as well as an infestation of rodents.

Another member of the public was concerned that the LEA was considering allowing an increase in the use of the facility. By intensifying the use of the facility, he commented that his business was being adversely impacted by activities in the nearby transfer station which brought about litter, noise, odors, and traffic concerns.

The LEA relayed the comments received to the operator and in turn, the operator responded to the comments via email to the LEA by indicating that the transfer station is located in a commercial and industrial area that is naturally associated with heavy traffic from businesses located on all adjacent streets in the area. The operator also added that they utilize an odor masking agent which they apply to their dust control to minimize

the odor impacts. The operator stated that the facility routinely picks up litter outside their property and along adjacent streets and a rodent exterminator has also been utilized at the facility since it began operations in 2005. The LEA inspects the facility on a monthly basis to evaluate compliance with litter, vectors and other state minimum standards. Odor issues are not within the authority of the LEA. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 21, 2016 and July 19, 2016. Department staff have not received any comments.